

HB581 INTRODUCED



1 HB581
2 MS7DKWH-1
3 By Representative Yarbrough
4 RFD: Judiciary
5 First Read: 05-Mar-26



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Existing law provides for criminal and civil penalties for the offense of driving while under the influence.

This bill would require an individual convicted of driving while under the influence to pay child support for the child of a victim of the offense if the offense leads to the death of the parent or guardian of the child.

A BILL
TO BE ENTITLED
AN ACT

Relating to child support; to require an individual convicted of driving while under the influence to pay child support in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In addition to the penalties prescribed for driving while under the influence under Section 32-5A-191, Code of Alabama 1975, and in addition to any restitution required pursuant to Article 4A of Chapter 18 of Title 15, Code of Alabama 1975, if an individual is convicted of driving while under the influence pursuant to Section 32-5A-191, Code



HB581 INTRODUCED

29 of Alabama 1975, and the offense causes the death of a child's
30 parent or guardian, that individual shall be ordered to pay
31 child support for the child pursuant to Chapter 3 of Title 30,
32 Code of Alabama 1975, until the child reaches 18 years of age
33 or has graduated high school, whichever is later.

34 (b) Child support ordered pursuant to subsection (a)
35 may be calculated by the court according to the child support
36 guidelines established by Rule 32 of the Alabama Rules of
37 Judicial Administration based upon the circumstances during
38 the time period for which support is ordered, or may otherwise
39 be ordered by the court in an amount determined by the court
40 to be reasonable and necessary to support the child after
41 considering the following factors:

42 (1) The financial needs and resources of the child.

43 (2) The financial needs and resources of the surviving
44 parent or, if no other parent is alive or capable of caring
45 for the child, the guardian of the child, including the State
46 of Alabama if the state or a department or agency of the state
47 is the guardian.

48 (3) The standard of living the child would have enjoyed
49 had his or her parent or guardian lived.

50 (4) The physical and emotional condition of the child
51 and the child's educational needs.

52 (5) The child's physical and legal custody
53 arrangements.

54 (6) The reasonable work-related child care expenses of
55 the surviving parent or guardian.

56 (c) Child support ordered pursuant to this section



HB581 INTRODUCED

57 shall accrue from the date of the death of the child's parent
58 or guardian.

59 (d) Any individual against whom an order to pay child
60 support pursuant to this section is entered shall be subject
61 to an income withholding order as set forth in Article 3 of
62 Chapter 3 of Title 30, Code of Alabama 1975.

63 (e) (1) If an individual ordered to pay child support
64 pursuant to this section is incarcerated and unable to pay the
65 ordered support, the individual shall have up to one year
66 after release from incarceration to begin payment, including
67 any arrearage.

68 (2) If any obligation ordered pursuant to this section
69 is to terminate due to the age of the child, but the support
70 obligation is not paid in full, payments shall continue until
71 the entire arrearage is paid.

72 (f) A child support order issued pursuant to this
73 section may be enforced by the issuing court in the same
74 manner as a judgment in a civil action.

75 (g) Nothing in this section may be construed to provide
76 any parental rights to an individual ordered to pay child
77 support under this section.

78 Section 2. This act shall become effective on October
79 1, 2026.